

**REMARKS**

Claims 6-27 are pending in this application. By this Amendment, claims 6 and 12 are amended.

The undersigned appreciates the courtesies extended to the undersigned during the June 23 telephonic interview with Examiner Sohn.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. The Claims Define Allowable Subject Matter**

The Office Action rejects claims 6-13 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent 4,409,479 to Sprague et al. ("Sprague"). The rejection is respectfully traversed.

In particular, Sprague does not disclose or suggest a state detection system mounted on a sensor head for optically detecting at least one of a tilt and a gap between the sensor head and the scale, as recited in independent claim 6.

Sprague discloses at Figs. 5A-5D and at column 5, lines 39-52 a grid pattern 18 formed on a top surface 26 of a transparent tablet 24. The bottom surface 28 of the table 24 is reflective. When a cursor control device 10 is moved in the Y direction over the tablet surface 26, quadrature signals YA and YB are produced. Stated differently, Sprague's cursor control device 10 and the planar grid pattern 18 can only detect the XY coordinates of the cursor

control device, but cannot detect a tilted state or a gap between the cursor control device and the planar grid pattern. Accordingly, Sprague does not disclose or suggest the above noted features of claim 6.

Accordingly, independent claim 6 defines patentable subject matter. Claims 7-13 depend from independent claim 6, and therefore also define patentable subject matter as well as for the other features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

## **II. Conclusion**

For at least these reasons, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 6-13 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned at the telephone number set forth below.

Respectfully submitted,

  
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